

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claim 13 has been canceled in this paper. Claims 1, 8 and 14 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 1-5, 7-12 and 14-22 are pending and are under active consideration.

Claims 8-12, 14 and 19-22 stand objected to “because each of those claims appears to recite the same subject matter in claims 1-5, 7, and 18-18¹. The objection to the claims [is] based on the apparent redundancy of claiming the same subject matter earlier claimed.”

Applicants respectfully traverse the subject objection. Claim 8, from which claims 9-12, 14 and 19-22 depend, has been amended herein so that it is directed at an irradiation module. By contrast, claim 1, from which claims 2-5, 7, and 15-18 depend, is directed at an apparatus that comprises, among other things, at least two irradiation modules. Consequently, claims 1 and 8 are clearly directed at non-identical subject matter.

Accordingly, for at least the above reasons, the subject objection should be withdrawn.

Claims 1, 4, 6-8, 11 and 13-14 stand rejected under 35 U.S.C. 102(b)² “as being anticipated by Sevcik et al. (US 5,655,312).” In support of the rejection, the Patent Office states the following:

Sevcik is considered to disclose the claimed invention comprising: an apparatus **2** for curing radiation curable coatings,

¹ Applicants assume that the Patent Office’s reference to claims “18-18” is a typographical error. Clarification is respectfully requested.

² In view of the fact that a combination of references is applied in the subject rejection, it would appear that the subject rejection is under 35 U.S.C. 103, not 35 U.S.C. 102. Clarification is respectfully requested.

which has at least one irradiation chamber 6 provided with a plurality of UV radiation sources 16, wherein a plurality of UV radiation sources are arranged close to one another and interconnected to form one or more irradiation modules, the illuminance inside an irradiation module and/or between at least two irradiation modules being spatially variable (please see column 2 lines 15-27 wherein the disclosed reflector structure is considered to anticipate the claimed spatial variability because both perform the same function, in the same manner with the same result). Sevcik is also considered to disclose the claimed ventilation system 4. Sevcik is considered to disclose the claimed invention, except for the feature of spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes. Martin, another apparatus for curing coatings, is considered to disclose spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes at column 7 line 66 through column 8 line 11. It would have been obvious to one skilled in the art to combine the claimed invention of Sevcik with the spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes, considered disclosed in Martin for the purpose of varying UV light intensities. (Emphasis in original.)

Insofar as the subject rejection pertains to claims 6 and 13, the rejection is moot in view of Applicants' cancellation of these claims. Insofar as the subject rejection pertains to claims 1, 4, 7-8, 11 and 14, Applicants respectfully traverse the subject rejection. Claim 1, from which claims 4 and 7 depend, has been amended herein and now recites "[a]n apparatus for curing radiation-curable coatings, said apparatus comprising at least two irradiation modules defining at least one irradiation chamber, each irradiation module comprising a baseplate, a plurality of UV radiation sources mounted on said baseplate and a UV-transparent plate mounted on said baseplate in such a manner that said UV-transparent plate surrounds said UV radiation sources on three sides in an airtight fashion, the illuminance inside an irradiation module and/or between at least two irradiation modules being spatially variable in such a way that at least one irradiation module is capable of movement about at least one of its axes."

Claim 1 is patentable over the present combination of Sevcik and Martin et al. for at least the reason that Sevcik and Martin et al., either taken individually or in combination, do not teach or suggest the recited irradiation module, let alone the claimed apparatus comprising at least two of said irradiation modules. Sevcik, as discussed in previous responses incorporated herein by reference, does not teach or suggest a **plurality** of UV radiation sources, but rather, is limited to teaching a **single** UV radiation source. In addition, Sevcik does not teach or suggest, among other things, the structure of the recited irradiation module or the recited spatial variability. Martin et al., while disclosing a plurality of UV lamps 44, also does not teach or suggest the structure of the recited irradiation module. Moreover, to the extent that the Patent Office is contending that it would have been obvious to one of ordinary skill in the art to modify Sevcik to include the spatial variability of Martin et al., Applicants respectfully submit that there would have been no basis for such a modification since, as explained above, Sevcik teaches only a single UV radiation source.

Claim 8, from which claims 11 and 14 depend, is patentable over the applied references for the same types of reasons discussed above in connection with claim 1.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 2, 5, 9, 12, 15-16, 18-20 and 22 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Sevcik in view of Martin." In support of the rejection, the Patent Office states the following:

Sevcik in view of Martin is considered to disclose the claimed invention, as discussed above under the obviousness rejection, except for the claimed wattage and reflector angle. It would have been an obvious matter of design choice to claim a specific wattage or reflector angle, since the wattage and angles claimed are not considered patentably distinct from the wattage and angles taught in the prior art cited in this application.

Applicants respectfully traverse the subject rejection. Claims 2, 5, 15, 16 and 18 depend from claim 1, and claims 9, 12, 19, 20 and 22 depend from claim 8. Claims 1 and 8 are patentable over Sevcik in view of Martin et al. for at least the reasons given above. Therefore, claims 2, 5, 9, 12, 15, 16, 18-20 and 22 are patentable over Sevcik in view of Martin et al. based at least on their respective dependencies from claims 1 and 8.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 3, 10, 17 and 21 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Sevcik in view of Martin in further view of Rudd et al. (US 5,634,402).” In support of the rejection, the Patent Office states the following:

Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory³ rejection, except for the claimed spectrum. Rudd is considered to disclose the claimed spectrum at column 4 lines 50-55. It would have been obvious to one skilled in the art to claim a specific spectrum for the purpose of optimizing the radiation curing coating of an object.

Applicants respectfully traverse the subject rejection. Claims 3 and 17 depend from claim 1, and claims 10 and 21 depend from claim 8. Claims 1 and 8 are patentable over Sevcik in view of Martin et al. for at least the reasons given above. Rudd et al. fails to cure all of the deficiencies of Sevcik in view of Martin et al. with respect to claims 1 and 8. Therefore, based at least on their respective dependencies from claims 1 and 8, claims 3, 10, 17 and 21 are patentable over Sevcik in view of Martin et al. in further view of Rudd et al.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

³ As noted above, Applicants believe that the rejection in question is not properly regarded as an anticipatory rejection.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-5 and 7-22 stand provisionally rejected “under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/729,797 in view of Martin.” In support of the provisional rejection, the Patent Office states the following:

The copending application claims the same features of the present application, except for the obvious variation of spatial variability in such a way that at least one irradiation module is capable of movement about at least one of its axes. Martin is considered to obviate the claimed invention, as discussed above under the first obviousness rejection.

This is a provisional obviousness-type double patenting rejection.

Applicants respectfully traverse the subject provisional rejection. At the outset, Applicants disagree with the Patent Office’s contention that claims 1-5 and 7-22 are directed at subject matter that is obvious over claims 1-8 of USSN 10/729,797 in view of Martin. Claims 1-5 and 7 of the present application are directed at an apparatus for curing radiation-curable coatings. Claims 8-22 are directed at an irradiation module for use in the apparatus of claim 1. By contrast, claims 1-8 of USSN 10/729,797 are directed at a printing press having a dryer. Applicants respectfully contend that the respective groups of claims are directed at patentably distinct subject matter.

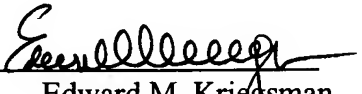
In any event, Applicants note that claims 1-8 of USSN 10/729,797 have been canceled. Accordingly, the subject provisional rejection is moot and should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

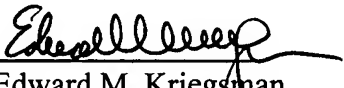
Respectfully submitted,

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Dated: December 20, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 20, 2005.


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